

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Division of Patent Application Serial No. 09/530,325 of

MCGILL

Atty. Ref.: 978-54

Serial No. to be assigned

Group:

Filed: August 22, 2001

Examiner:

For: FOOD BLENDING APPARATUS

\* \* \* \* \*

August 21, 2001

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**PRELIMINARY AMENDMENT**

In order to place the above-identified application in better condition for examination, please amend the application as follows:

**IN THE SPECIFICATION**

Insert the attached Abstract.

Insert before the first paragraph the following: This application is a division of Application Serial No. 09/530,325 filed April 28, 2000, now pending.

**IN THE CLAIMS**

Cancel claims 1-9.

Amend claims 12-14, 1616-20, 23, 25-27, 29 and 30 as follows:

12. (Amended) Container according to claim 10 wherein the sealing means comprises a heat sealable member located over the upper opening, and/or a clip-on lid.

13. (Amended) Container according to claim 10 wherein the sealing means comprises a heat sealable member located over the drive connection means to seal the impeller against the external atmosphere.

14. (Amended) Container according to claim 11 wherein the blending means comprises a shaft carrying the impeller towards one end and the drive connection means towards the other end, the shaft being rotatably journaled with respect to the container.

16. (Amended) Container according to claim 14 comprising bearing surfaces defined between the body of the container and the impeller shaft.

17. (Amended) Container according to claim 10 wherein the blending means is located in the base of the vessel remote from the upper opening.

18. (Amended) Container according to claim 10 wherein the blending means is located on a lid defining a closure means for said upper opening.

19. (Amended) A container according to claim 10 wherein the sealing means for said upper opening defines means for accessing the contents of the container and is removable or has a region which is openable.

20. A container according to claim 10 wherein the vessel is constructed to be thin walled, injection molded plastics whereby the vessel is disposable.

23. (Amended) Blending apparatus according to claim 21 comprising a support for the upper end of the container during blending which is removably engageable with said upper end.

25. Apparatus according to claim 21 comprising filling means at a charging location for charging product into the container, cooling means for cooling the container and associated food products, and seal applying means for applying a seal to the upper open end of the container.

26. (Amended) Apparatus according to claim 21 wherein the blending means is an assembly with the nestable vessel, the blending means being a push fit into an opening and the inter-engaging surfaces provide the bearing surfaces during rotation of the blending means relative to the vessel.

27. Apparatus according to claim 21 comprising jug means for enclosing the container in a blending position, and coupling means carried by the jug means and for coupling said impeller and said drive means whereby drive is transmitted between the drive means and the impeller during blending.

29. (Amended) Apparatus according to claim 27 wherein the jug means comprises lid means for closing the jug after entry of the container into the jug means.

30. (Amended) Apparatus according to claim 27 wherein the coupling means is located in the base of the jug means or in a closure member for the upper end of the jug means.

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**REMARKS**

This application is a division of Serial No. 09/09/530,325 and is directed to the claims not elected in the parent application; see the Official Action of June 29, 2001 setting out the requirement for restriction.

The claims in the present application have been amended to place them in proper format, an Abstract supplied and a cross-reference to the underlying PCT application inserted into the specification.

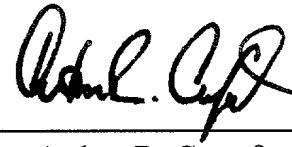
Please examine claim 10-30 on the merits taking into account the concurrently filed Information Disclosure Statement.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version With Markings To Show Changes Made.**"

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**  
**IN THE CLAIMS**

12. (Amended) Container according to claim 10 [or 11] wherein the sealing means comprises a heat sealable member located over the upper opening, and/or a clip-on lid.

13. (Amended) Container according to [any one of claims 10-12] claim 10 wherein the sealing means comprises a heat sealable member located over the drive connection means to seal the impeller against the external atmosphere.

14. (Amended) Container according to [any one of claims 11-13] claim 11 wherein the blending means comprises a shaft carrying the impeller towards one end and the drive connection means towards the other end, the shaft being rotatably journaled with respect to the container.

16. (Amended) Container according to claim 14 [or 15] comprising bearing surfaces defined between the body of the container and the impeller shaft.

17. (Amended) Container according to [any one of claims 10-16] claim 10 wherein the blending means is located in the base of the vessel remote from the upper opening.

18. (Amended) Container according to [any of claims 10-16] claim 10 wherein the blending means is located on a lid defining a closure means for said upper opening.

19. (Amended) A container according to [any one of claims 10-18] claim 10 wherein the sealing means for said upper opening defines means for accessing the contents of the container and is removable or has a region which is openable.

20. A container according to [any one of claims 10-19] claim 10 wherein the vessel is constructed to be thin walled, injection molded plastics whereby the vessel is disposable.

23. (Amended) Blending apparatus according to claim 21 [or 22] comprising a support for the upper end of the container during blending which is removably engageable with said upper end.

25. Apparatus according to [any one of claims 21-24] claim 21 comprising filling means at a charging location for charging product into the container, cooling means for cooling the container and associated food products, and seal applying means for applying a seal to the upper open end of the container.

26. (Amended) Apparatus according to [any one of claims 21 to 25] claim 21 wherein the blending means is an assembly with the nestable vessel, the blending means being a push fit into an opening and the inter-engaging surfaces provide the bearing surfaces during rotation of the blending means relative to the vessel.

27. Apparatus according to [any one of claims 21 to 26] claim 21 comprising jug means for enclosing the container in a blending position, and coupling means carried by the jug means and for coupling said impeller and said drive means whereby drive is transmitted between the drive means and the impeller during blending.

29. (Amended) Apparatus according to claim 27 [or 28] wherein the jug means comprises lid means for closing the jug after entry of the container into the jug means.

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30. (Amended) Apparatus according to [any one of claim 27 to 29] claim 27

wherein the coupling means is located in the base of the jug means or in a closure member for the upper end of the jug means.

Cancel claims 31 and 32 without prejudice.

## ABSTRACT

A food blending apparatus and a method of blending food within a container (30) with the object of providing a hygienic system whereby disposable containers are charged with product at a location remote from consumption. After filling with ingredients the container is sealed and then cooled. Containers include an integral blender (35) which when connected to a drive enable the product to be blended at the point of consumption after location in driving connection with the drive means. Product is accessed through a sealed opening (31) of the container after opening the seal. After consumption the container is disposed of and is constructed to make disposal economical.